

Introduced by Senator Negrete McLeod

February 20, 2008

An act to amend Section 19775.18 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 1353, as introduced, Negrete McLeod. State employees: military benefits.

Existing law authorizes a state employee who is a member of the California National Guard or a United States military reserve organization to receive specified compensation benefits for a period not to exceed 365 days if he or she is ordered to serve on active duty on and after September 11, 2001, as a result of the War on Terrorism. Existing law authorizes the Governor to extend these benefits by executive order by up to an additional 365 days.

This bill instead would authorize the Governor to extend these benefits by executive order by up to an additional 1,460 days.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19775.18 of the Government Code is
- 2 amended to read:
- 3 19775.18. (a) In addition to the benefits provided pursuant to
- 4 Sections 19775 and 19775.1, a state employee who, as a member
- 5 of the California National Guard or a United States military reserve
- 6 organization, is ordered to active duty on and after September 11,

1 2001, as a result of the War on Terrorism, shall have the benefits
2 provided for in subdivision (b).

3 (b) Any state employee to which subdivision (a) applies, while
4 on active duty, shall receive from the state, for the duration of the
5 event known as the War on Terrorism, as authorized pursuant to
6 Sections 12302 and 12304 of Title 10 of the United States Code,
7 but not for more than 365 calendar days, as part of his or her
8 compensation both of the following:

9 (1) The difference between the amount of his or her military
10 pay and allowances and the amount the employee would have
11 received as a state employee, including any merit raises that would
12 otherwise have been granted during the time the individual was
13 on active duty. The amount an employee, as defined in Section
14 18526, would have received as a state employee, including any
15 merit raises that would otherwise have been granted during the
16 time the individual was on active duty, shall be determined by the
17 Department of Personnel Administration.

18 (2) All benefits that he or she would have received had he or
19 she not served on active duty unless the benefits are prohibited or
20 limited by vendor contracts.

21 (c) Any individual receiving compensation pursuant to
22 subdivision (b) who does not reinstate to state service following
23 active duty, shall have that compensation treated as a loan payable
24 with interest at the rate earned on the Pooled Money Investment
25 Account. This subdivision does not apply to compensation received
26 pursuant to Section 19775.

27 (d) Benefits provided under paragraph (1) of subdivision (b)
28 shall only be provided to a state employee who was not eligible
29 to participate in a federally sponsored income protection program
30 for National Guard personnel or military reserve personnel, or
31 both, called into active duty, as determined by the Department of
32 Personnel Administration. For a state employee eligible to
33 participate in a federally sponsored income protection program,
34 and whose monthly salary as a state employee was higher than the
35 sum of his or her military pay and allowances and the maximum
36 allowable benefit under the federally sponsored income protection
37 program, the state employee shall receive the amount payable
38 under paragraph (1) of subdivision (b), but that amount shall be
39 reduced by the maximum allowable benefit under the federally
40 sponsored income protection program. For individuals who elected

1 the federally sponsored income protection program, the state shall
2 reimburse for the cost of the insurance premium for the period of
3 time on active duty, not to exceed 365 calendar days. ~~The~~

4 (e) *The Governor may, by executive order, extend this the period*
5 *of time for the receipt of benefits provided pursuant to this section*
6 *by no more than an additional 365 1,460 calendar days.*

7 ~~(e)~~

8 (f) (1) “Military pay and allowances” for the purposes of this
9 section does not include hazardous duty pay, hostile fire pay, or
10 imminent danger pay. A state employee is entitled to retain these
11 and any other special and incentive pay provided by the federal
12 government.

13 (2) “State employee” for the purposes of this section means an
14 employee as defined in Section 18526 or an officer or employee
15 of the legislative, executive, or judicial department of the state.

16 ~~(f)~~

17 (g) This section does not apply to any state employee entitled
18 to additional compensation or benefits pursuant to Section
19 19775.16 or 19775.17 of this code, or Section 395.08 of the
20 Military and Veterans Code.

21 ~~(g)~~

22 (h) This section does not apply to any active duty served after
23 the close of the War on Terrorism.